

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

RADHIKA VEGESNA, Personal :  
Representative of the ESTATE :  
OF RAJESH PADMARAJU, Deceased :  
Plaintiff :  
vs. :  
:

ISD TRANSPORTATION COMPANY, :  
INC., MANDEEP SINGH, SAMINDER :  
SINGH, and SAMINDER SINGH, :  
d/b/a ISD TRANSPORTATION :  
COMPANY, INC., Defendants :

NO. 0403 -295 Cr

RECEIVED  
SEP 15 2003

CLERK U.S. DISTRICT COURT  
WEST. DIST. OF PENNSYLVANIA

C O M P L A I N T

AND NOW comes the Plaintiff, RADHIKA VEGESNA, Personal Representative of the ESTATE OF RAJESH PADMARAJU, Deceased, by her counsel, ANDREW J. CONNER of CONNER RILEY & FRYLING, 17 West Tenth Street, P.O. Box 860, Erie, Pennsylvania 16512-0860, and files this Complaint against the above-named Defendants, alleging as follows:

1) Radhika Vigesna is the duly appointed personal representative of the Estate of Rajesh Padmaraju, Deceased, having received her appointment from the County of Oakland, State of Michigan Probate Court on October 10, 2002. Attached hereto as Exhibit "A" is a copy of the Letters of Authority for Personal Representative evidencing Radhika Vigesna's appointment as the Personal Representative of the Estate of Rajesh Padmaraju.

2) Radhika Vigesna, as a consequence of her appointment as the personal representative of the Estate of Rajesh Padmaraju, made reference to in the previous Paragraph of this Complaint, is the proper party to act as the named party Plaintiff for the

EXHIBIT

"A"

0403 9-25-03

wrongful Death and Survival Act claims set forth in this Complaint.

3) Radhika Vigesna is a resident and citizen of the Country of India, having a principal place of residence at all material times to the events giving rise to this action at 501 Green Park, Apt. 7-1-300, Sanjeena R.N. Hydabad, India 500038.

4) The decedent, Rajesh Padmaraju, as of the time of his death, was a citizen, resident and domicile of the Commonwealth of Massachusetts, having a principal place of residence at all material times to the events giving rise to this action at 54 Harley Drive, Apt. #8, Worcester, Massachusetts 01606.

5) Defendant, IDS Transportation Company, Inc., upon information and belief, is a corporation organized under the laws of the State of Oklahoma, having its principal place of business at 3033 North Walnut Avenue, Suite W219, Oklahoma City, Oklahoma 73105.

6) Defendant Mandeep Singh, is a resident and citizen of the State of California, having a place of residence at all material times to the events giving rise to this action at 1639 Hooper Road, Yuba City, California 95991.

7) Defendant, Saminder Singh, is a resident and citizen of the State of Oklahoma, having a principal place of residence at all material times to the events giving rise to this action at 3033 North Walnut Avenue, Suite W219, Oklahoma City, Oklahoma 73105.

8) If the Defendant previously identified as ISD was not a corporation, as alleged in Paragraph 4 of this Complaint, it is alleged that at all material times the Defendant, Saminder Singh, was doing business as ISD Transportation Company, Inc.

9) Jurisdiction for this action and the claims set forth in these Counts are based on complete diversity of citizenship between the parties, with an allegation that the damages claimed are in excess of \$75,000.00, per 28 U.S.C. 1332(a), et al.

10) Venue for this action is properly in this Court and premised on the allegations that the negligent and reckless conduct of the Defendants causing the death of the deceased and his death all occurred in Erie County, Pennsylvania, per 28 U.S.C. 1333(a)(2).

11) At all material times to the events set forth in this Complaint, each of the Defendants was regularly conducting business in the Commonwealth of Pennsylvania without first registering with the Secretary of State of the Commonwealth of Pennsylvania as a foreign corporation.

COUNT ONE

(VEGESNA V. ISD TRANSPORTATION COMPANY, INC.)

12) The allegations contained in the previous Paragraphs of this Complaint are incorporated into this Count by virtue of this Paragraph as if set forth in full.

13) The Defendant in this Count is ISD Transportation Company, Inc., previously identified, hereinafter referred to as "ISD".

14) This Count is brought as a wrongful death action pursuant to the Pennsylvania Wrongful Death Act, 42 Pa.C.S.A. §301, or pursuant to the Wrongful Death Act of such other state or commonwealth, including the Commonwealth of Massachusetts, which the Court finds has the most significant contacts applicable to recovery for damages for the wrongful death of the deceased.

15) The beneficiaries and/or the next of kin who are entitled to recover Wrongful Death Act damages generally include the following:

- (a) Janshi Jampana, Mother
- (b) Radhika Vigesna, Sister
- (c) Rajyalalakshmi Bhupatiraju, Sister

16) On October 5, 2001, after hours of darkness, the Plaintiff's decedent suffered fatal injuries on or near the westbound lanes of Interstate 90 in Erie County, Pennsylvania, near exit 8. Just prior to receiving these fatal injuries, he had just exited his stationary lighted westbound vehicle at, on or near the shoulder of the northern most westbound lane of Interstate 90 after his vehicle had incurred a mechanical and/or engine failure, preventing its further operation.

17) At the time and place, set forth above, agents and employees of the Defendant, ISD, acting within the scope of authority given to them by ISD, negligently, carelessly and recklessly operated a tractor-trailer into the back of a lighted stationary or slow moving vehicle in the northern most westbound

lanes of Interstate 90 behind, or east, of Plaintiff's decedent's vehicle, all of which collision caused this other stationary or slow moving vehicle to strike the deceased, who as then a pedestrian, causing the fatal injuries giving rise to this action.

18) Plaintiff makes claim in this Count for all damages recoverable under the Pennsylvania Wrongful Death Act, and/or any other Wrongful Death Act, including that of the Commonwealth of Massachusetts, for all damages recoverable under the controlling law including, but not limited to, the following:

- (a) Funeral, burial and related expenses;
- (b) The loss of financial support which the beneficiaries would have received from the deceased over his and their life expectancies;
- (c) Such other damages recoverable under the controlling law.

WHEREFORE, Plaintiff makes claim for damages against the Defendant, ISD TRANSPORTATION COMPANY, INC., in an amount in excess of \$75,000.00, with interest and costs to be awarded in her favor.

COUNT TWO

(VEGENSA V. ISD)

19) The allegations contained in the previous Paragraphs of this Complaint are incorporated into this Count by virtue of this Paragraph as if set forth in full.

20) The Defendant in this Count is ISD, previously identified.

21) This Count is brought as a survival action pursuant to the Pennsylvania law, 42 Pa.C.S.A. 8302, and/or pursuant to either the survival action or wrongful death action of such other state or commonwealth, including the Commonwealth of Massachusetts, which the Court finds has the most significant contacts to this action.

22) The negligence, carelessness and recklessness of ISD, through the acts of its agents and employees, previously described in Paragraph #15 of this Complaint, was the cause of the death of the deceased on October 5, 2001.

23) Claim is made in this Count for all damages recoverable under the Pennsylvania survival action, and/or such other survival or wrongful death actions the Court applies and believes has the most significant contacts, and includes, but is not limited to, a claim for damages for:

- (a) The conscious pain, suffering and inconvenience the deceased incurred from the time of his fatal injuries until the time of his death;
- (b) The hospital and medical expenses his estate incurred for the deceased's care and treatment from the time of his fatal injuries until the time of his death;
- (c) The loss of the deceased's future net earning power over his life expectancy;

(d) Such other damages which are recoverable under the controlling law.

WHEREFORE, Plaintiff makes claim for damages against the Defendant, ISD TRANSPORTATION COMPANY, INC., in an amount in excess of \$75,000.00, with interest and costs to be awarded in her favor.

COUNT THREE

(VEGESNA V. MANDEEP SINGH)

24) The allegations contained in the previous Paragraphs of this Complaint are incorporated into this Count by virtue of this Paragraph as if set forth in full.

25) The Defendant in this Count is Mandeep Singh, previously identified.

26) This Count is brought as a wrongful death action pursuant to the Pennsylvania Wrongful Death Act, 42 Pa.C.S.A. 8301, or pursuant to the Wrongful Death Act of such other state or commonwealth, including the Commonwealth of Massachusetts, which the Court finds has the most significant contacts applicable to the recovery for damages for the wrongful death of the deceased.

27) At the time and place, set forth above, Mandeep Singh negligently, carelessly and recklessly operated a tractor-trailer into the back of a lighted stationary or slow moving vehicle in the northern most westbound lanes of Interstate 90, or east of decedent's vehicle, all of which collision caused this other

stationary or slow moving vehicle to strike the deceased, causing the fatal injuries to the deceased, giving rise to this action.

28) Plaintiff makes claim in this Count for all damages recoverable under the Pennsylvania Wrongful Death Act, and/or any other Wrongful Death Act, including that of the Commonwealth of Massachusetts, for all damages recoverable under the controlling law including, but not limited to, the following:

- (a) Funeral, burial and related expenses;
- (b) The loss of financial support which the beneficiaries would have received from the deceased over his and their life expectancies;
- (c) Such other damages recoverable under the controlling law.

WHEREFORE, Plaintiff makes claim for damages against the Defendant, MANDEEP SINGH, in an amount in excess of \$75,000.00, with interest and costs to be awarded in her favor.

COUNT FOUR

(VEGESNA V. MANDEEP SINGH)

29) The allegations contained in the previous Paragraphs of this Complaint are incorporated into this Count by virtue of this paragraph as if set forth in full.

30) The Defendant in this Count is Mandeep Singh, previously identified.

31) This Count is brought as a survival action, pursuant to the Pennsylvania law, 42 Pa.C.S.A. §302, and/or pursuant to either the survival action or wrongful death action of such other

state or commonwealth, including the Commonwealth of Massachusetts, which the Court finds has the most significant contacts to this action.

32) The Defendant, Mandeep Singh, negligent, careless and reckless acts, previously described in Paragraph #25 of this Complaint, was the cause of the death of the deceased on October 5, 2001.

33) Claims is made in this Count for all damages recoverable under the Pennsylvania survival action, and/or such other wrongful death or survival actions the Court applies and believes has the most significant contacts, and includes, but is not limited to, a claim for damages for:

- (a) The conscious pain, suffering and inconvenience the deceased incurred from the time of his fatal injuries until the time of his death;
- (b) The hospital and medical expenses his estate incurred for the deceased's care and treatment from the time of his fatal injuries until the time of his death;
- (c) The loss of the deceased's future net earning power over his life expectancy;
- (d) Such other damages which are recoverable under the controlling law.

WHEREFORE, Plaintiff makes claim for damages against the Defendant, MANDEEP SINGH, in an amount in excess of \$75,000.00, with interest and costs to be awarded in her favor.

COUNT FIVE

(VEGESNA V. SAMINDER SINGH, and  
SAMINDER SINGH, d/b/a  
ISD TRANSPORTATION COMPANY, INC.)

34) The allegations contained in the previous Paragraphs of this Complaint are incorporated into this Count by virtue of this Paragraph as if set forth in full.

35) The Defendant in this Count is Saminder Singh, previously identified, and/or alleged in Paragraph 7 of this Complaint as Saminder Singh, d/b/a ISD Transportation Company, Inc.

36) This Count is brought as a wrongful death action pursuant to the Pennsylvania Wrongful Death Act, 42 Pa.C.S.A. §301, or pursuant to the Wrongful Death Act of such other state or commonwealth, including the Commonwealth of Massachusetts, which the Court finds has the most significant contacts applicable to the recovery for damages for the wrongful death of the deceased.

37) At all material times to the events giving rise to this action, the Defendants, ISD, and/or Mandeep Singh, were acting as the agents for and on behalf of the Defendant, Saminder Singh, the owner of ISD and the tractor-trailer involved in this fatality, and acting within the scope of authority given to them by the Defendant, Saminder Singh.

38) At the time and place, set forth above, the agents acting for and on behalf of the Defendants, Saminder Singh and/or Saminder Singh, d/b/a ISD Transportation Company, Inc., acting

within the scope of authority given them by the Defendants, Saminder Singh and Saminder Singh, d/b/a ISD Transportation Company, Inc., negligently, carelessly and recklessly operated a tractor-trailer into the back of a lighted stationary or slow moving vehicle in the northern most westbound lanes of Interstate 90, or east of decedent's vehicle, all of which collision caused this other stationary or slow moving vehicle to strike the deceased, causing the fatal injuries to the deceased, giving rise to this action.

39) Plaintiff makes claim in this Count for all damages recoverable under the Pennsylvania Wrongful Death Act, and/or any other Wrongful Death Act, including that of the Commonwealth of Massachusetts, for all damages recoverable under the controlling law including, but not limited to, the following:

- (a) Funeral, burial and related expenses;
- (b) The loss of financial support which the beneficiaries would have received from the deceased over his and their life expectancies;
- (c) Such other damages recoverable under the controlling law.

WHEREFORE, Plaintiff makes claim for damages against the Defendants, SAMINDER SINGH and SAMINDER SINGH, d/b/a ISD TRANSPORTATION COMPANY, INC., in an amount in excess of \$75,000.00, with interest and costs to be awarded in her favor.

COUNT SIX

(VEGESNA V. SAMINDER SINGH, and  
SAMINDER SINGH, d/b/a  
ISD TRANSPORTATION COMPANY, INC.)

40) The allegations contained in the previous Paragraphs of this Complaint are incorporated into this Count by virtue of this Paragraph as if set forth in full.

41) The Defendant in this Count is Saminder Singh, previously identified, and/or as alleged in Paragraph 7 of this Complaint, Saminder Singh, d/b/a ISD Transportation Company, Inc.

42) This Count is brought as a survival action pursuant to the Pennsylvania law, 42 Pa.C.S.A. 8302, and/or pursuant to either the survival action or wrongful death action of such other state or commonwealth, including the Commonwealth of Massachusetts, which the Court finds has the most significant contacts to this action.

43) The negligent, careless and reckless acts of the agents of the Defendants, Saminder Singh and Saminder Singh, d/b/a ISD Transportation Company, Inc., acting within the scope of authority given them by the Defendants, Saminder Singh and Saminder Singh, d/b/a ISD Transportation Company, Inc., previously described in Paragraph #37 of this Complaint, was the cause of the death of the deceased on October 5, 2001.

44) Claim is made in this Count for all damages recoverable under the Pennsylvania survival action, and/or such other survival action the Court applies and believes has the most

significant contacts, and includes, but is not limited to, a claim for damages for:

- (a) The conscious pain, suffering and inconvenience the deceased incurred from the time of his fatal injuries until the time of his death;
- (b) The hospital and medical expenses his estate incurred for the deceased's care and treatment from the time of his fatal injuries until the time of his death;
- (c) The loss of the deceased's future net earning power over his life expectancy;
- (d) Such other damages which are recoverable under the controlling law.

WHEREFORE, Plaintiff makes claim for damages against the Defendants, SAMINDER SINGH and SAMINDER SINGH, d/b/a ISD Transportation Company, Inc., in an amount in excess of \$75,000.00, with interest and costs to be awarded in her favor.

JURY TRIAL DEMANDED.

Respectfully submitted,

CONNER RILEY & FRYLING

BY Andrew J. Conner  
ANDREW J. CONNER, ESQUIRE  
ATTORNEY FOR PLAINTIFF  
17 West Tenth Street  
P.O. Box 860  
Erie, PA 16512-0860  
(814) 453-3343

DATED: September 16, 2003.

RADHIKA VEGESNA, Personal : IN THE COURT OF COMMON PLEAS  
Representative of the ESTATE : OF ERIE COUNTY, PENNSYLVANIA  
OF RAJESH PADMARAJU, Deceased :  
Plaintiff :  
VS. :  
ISD TRANSPORTATION COMPANY, :  
INC., SAMINDER SINGH, :  
SAMINDER SINGH, d/b/a ISD :  
TRANSPORTATION COMPANY, :  
MANDEEP SINGH, and :  
GURMINDER SINGH, Defendants : NO. 14056 - 2003

N O T I C E

TO: ISD TRANSPORTATION COMPANY, INC.  
SAMINDER SINGH  
SAMINDER SINGH, d/b/a  
ISD TRANSPORTATION COMPANY  
c/o MARK F. MCKENNA, ESQUIRE  
436 Boulevard of the Allies  
Suite 500  
Pittsburgh, PA 15219-1314

MANDEEP SINGH  
285 Burns Court  
Shafter, CA 93263

GURMINDER SINGH  
3105 Slaterfield Ave.  
Bakersfield, CA 93313

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may los money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

Lawyers Referral Service  
302 West Ninth Street  
Erie, Pennsylvania 16502  
(814) 459-4411

BY Andrew J. Conner  
ANDREW J. CONNER, ESQUIRE  
ATTORNEY FOR PLAINTIFF  
CONNER RILEY & FRYLING  
17 West Tenth Street  
P.O. Box 860  
Erie, PA 16512-0860  
(814) 453-3343

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

RADHIKA VEGESNA, Personal :  
Representative of the ESTATE :  
OF RAJESH PADMARAJU, Deceased :  
Plaintiff :

vs. :

NO. 03-317 E

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CLERK U.S. DISTRICT COURT  
W.D. DIST. OF PENNSYLVANIA

C O M P L A I N T

AND NOW comes the Plaintiff, RADHIKA VEGESNA, Personal Representative of the ESTATE OF RAJESH PADMARAJU, Deceased, by her counsel, ANDREW J. CONNER of CONNER RILEY & FRYLING, 17 West Tenth Street, P.O. Box 860, Erie, Pennsylvania 16512-0860, and files this Complaint against the above-named Defendant, alleging as follows:

- 1) Radhika Vigesna is the duly appointed personal representative of the Estate of Rajesh Padmaraju, Deceased, having received her appointment from the County of Oakland, State of Michigan Probate Court on October 10, 2002. Attached hereto as Exhibit "A" is a copy of the Letters of Authority for Personal Representative evidencing Radhika Vigesna's appointment as the Personal Representative of the Estate of Rajesh Padmaraju.
- 2) Radhika Vigesna, as a consequence of her appointment as the personal representative of the Estate of Rajesh Padmaraju, made reference to in the previous Paragraph of this Complaint, is the proper party to act as the named party Plaintiff for the

Wrongful Death and Survival Act claims set forth in this Complaint.

3) Radhika Vigesna is a resident and citizen of the Country of India, having a principal place of residence at all material times to the events giving rise to this action at 501 Green Park, Apt. 7-1-300, Sanjeena R.N. Hydabad, India 500038.

4) The decedent, Rajesh Padmaraju, as of the time of his death, was a citizen, resident and domicile of the Commonwealth of Massachusetts, having a principal place of residence at all material times to the events giving rise to this action at 54 Harley Drive, Apt. #8, Worcester, Massachusetts 01606.

5) Defendant, Saminder Singh, is a resident and citizen of the State of California, having a place of residence and business at all material times to the events giving rise to this action at 3105 Slaterfield Avenue, Bakersfield, California 93313.

6) Defendant, Saminder Singh, at all material times to the events alleged in this Complaint, was doing business at ISD Transportation Company, maintaining a place of business at 3105 Slaterfield Avenue, Bakersfield, California 93313.

7) Jurisdiction for this action and the claims set forth in these Counts are based on complete diversity of citizenship between the parties, with an allegation that the damages claimed are in excess of \$75,000.00, per 28 U.S.C. 1332(a), et al.

8) Venue for this action is properly in this Court and premised on the allegations that the negligent and reckless conduct of the Defendants causing the death of the deceased and

his death all occurred in Erie County, Pennsylvania, per 28 U.S.C. 1391(a)(2).

9) At all material times to the events set forth in this Complaint, the Defendant was regularly conducting business in the Commonwealth of Pennsylvania without first registering with the Secretary of State of the Commonwealth of Pennsylvania as a foreign corporation.

COUNT ONE

10) The allegations contained in the previous Paragraphs of this Complaint are incorporated into this Count by virtue of this Paragraph as if set forth in full.

11) This Count is brought as a wrongful death action pursuant to the Pennsylvania Wrongful Death Act, 42 Pa.C.S.A. 8301, or pursuant to the Wrongful Death Act of such other state or commonwealth, including the Commonwealth of Massachusetts, which the Court finds has the most significant contacts applicable to recovery for damages for the wrongful death of the deceased.

12) The beneficiaries and/or the next of kin who are entitled to recover Wrongful Death Act damages generally include the following:

- (a) Janshi Jampana, Mother
- (b) Radhika Vigesna, Sister
- (c) Rajyalalakshmi Bhupatiraju, Sister

13) At the time and place, set forth above, Defendant negligently, carelessly and recklessly operated a tractor-trailer

into the back of a lighted stationary or slow moving vehicle in the northern most westbound lanes of Interstate 90, or east of decedent's vehicle, all of which collision caused this other stationary or slow moving vehicle to strike the deceased, causing the fatal injuries to the deceased, giving rise to this action.

14) Plaintiff makes claim in this Count for all damages recoverable under the Pennsylvania Wrongful Death Act, and/or any other Wrongful Death Act, including that of the Commonwealth of Massachusetts, for all damages recoverable under the controlling law including, but not limited to, the following:

- (a) Funeral, burial and related expenses;
- (b) The loss of financial support which the beneficiaries would have received from the deceased over his and their life expectancies;
- (c) Such other damages recoverable under the controlling law.

WHEREFORE, Plaintiff makes claim for damages against the Defendants, SAMINDER SINGH and SAMINDER SINGH, d/b/a ISD TRANSPORTATION COMPANY, in an amount in excess of \$75,000.00, with interest and costs to be awarded in her favor.

COUNT TWO

15) The allegations contained in the previous Paragraphs of this Complaint are incorporated into this Count by virtue of this Paragraph as if set forth in full.

16) This Count is brought as a survival action, pursuant to the Pennsylvania law, 42 Pa.C.S.A. 8302, and/or pursuant to

either the survival action or wrongful death action of such other state or commonwealth, including the Commonwealth of Massachusetts, which the Court finds has the most significant contacts to this action.

17) The Defendant's negligent, careless and reckless acts, previously described in Paragraph #12 of this Complaint, were the cause of the death of the deceased on October 5, 2001.

18) Claims is made in this Count for all damages recoverable under the Pennsylvania survival action, and/or such other wrongful death or survival actions the Court applies and believes has the most significant contacts, and includes, but is not limited to, a claim for damages for:

- (a) The conscious pain, suffering and inconvenience the deceased incurred from the time of his fatal injuries until the time of his death;
- (b) The hospital and medical expenses his estate incurred for the deceased's care and treatment from the time of his fatal injuries until the time of his death;
- (c) The loss of the deceased's future net earning power over his life expectancy;
- (d) Such other damages which are recoverable under the controlling law.

WHEREFORE, Plaintiff makes claim for damages against the Defendants, SAMINDER SINGH and SAMINDER SINGH, d/b/a ISD

TRANSPORTATION COMPANY, , in an amount in excess of \$75,000.00,  
with interest and costs to be awarded in her favor.

JURY TRIAL DEMANDED.

Respectfully submitted,

CONNER RILEY & FRYLING

BY

Andrew J. Conner  
ANDREW J. CONNER, ESQUIRE  
ATTORNEY FOR PLAINTIFF  
17 West Tenth Street  
P.O. Box 860  
Erie, PA 16512-0860  
(814) 453-3343

DATED: October 3, 2003.

**United States District Court**  
WESTERN DISTRICT OF PENNSYLVANIA

RADHIKA VEGESNA, Personal Representative of the ESTATE OF RAJESH PADMARAJU, Deceased,  
Plaintiff  
v.

SAMINDER SINGH and SAMINDER SINGH, d/b/a ISD TRANSPORTATION COMPANY, Defendants

**SUMMONS IN A CIVIL ACTION**

CASE NUMBER: 03-317 E

TO: (Name and Address of Defendant)

SAMINDER SINGH, d/b/a  
ISD TRANSPORTATION COMPANY  
3105 Slaterfield Avenue  
Bakersfield, CA 93313

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this Court and serve upon

PLAINTIFF'S ATTORNEY (name and address)

ANDREW J. CONNER, ESQURIE  
17 West Tenth Street  
P.O. Box 860  
Erie, PA 16512-0860

an answer to the complaint which is herewith served upon you, within twenty (20) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

*P.J. Gaith, Jr.*

10/3/03

DATE

CLERK

*Nicole Kiering*  
BY DEPUTY CLERK

Case 1:03-cv-00295-SJM Document 31-3 Filed 07/18/2005 Page 23 of 45

Form 1A. Notice of Lawsuit and Request for Waiver of Service of Summons

TO: SAMINDER SINGH

(as \_\_\_\_\_ of \_\_\_\_\_)

A lawsuit has been commenced against you (or the entity on whose behalf you are addressed). A copy of the Complaint is attached to this Notice. It has been filed in the United States District Court for the Western District of Pennsylvania and has been assigned Docket Number 03-311E.

This is not a formal Summons or notification from the Court but, rather, my request that you sign and return the enclosed waiver of service in order to save the cost of serving you with a judicial Summons and an additional copy of the Complaint. The cost of service will be avoided if I receive a signed copy of the Waiver with twenty (20) days after the date designated below as of the date on which this Notice and Request is sent. I enclose a stamped and addressed envelope (or other means of cost-free return) for your use. An extra copy of the Waiver is also attached for your records.

If you comply with this request and return the signed Waiver, it will be filed with the Court and no Summons will be served on you. The action will then proceed as if you had been served on the date the Waiver is filed, except that you will not be obligated to answer the Complaint before 60 days from the date designated below as the date on which this Notice is sent (or before 90 days from that date if your address is not in any judicial district of the United States).

If you do not return the signed Waiver within the time indicated, I will take appropriate steps to effect formal service in a manner authorized by the Federal Rules of Civil Procedure and will then, to the extent authorized by those Rules, as the Court to require you (or the party on whose behalf you are addressed) to pay the full costs of such service. In that connection, please read the statement concerning the duty of parties to waive the service of the Summons, which is set forth at the foot of the waiver form.

I affirm that this request is being sent to you on behalf of the Plaintiff, this 3<sup>rd</sup> day of October, 2003.

Andrew J. Conner  
ANDREW J. CONNER, ESQUIRE  
ATTORNEY FOR PLAINTIFF

Form 1B Case 1:03-cv-00295-SJM Document 313 Filed 07/18/2005 Page 24 of 45  
Waiver Service of Summons

TO: ANDREW J. CONNER, ESQUIRE

I acknowledge receipt of your request that I waive service of a Summons in the action of RADHIKA VEGESNA, Personal Representative of the ESTATE OF RAJESH PADMARAJU, Deceased v. SAMINDER SINGH, ET AL, which is Case Number 03-317E in the United States District Court for the Western District of Pennsylvania. I have also received a copy of the Complaint in the action, two copies of this instrument, and a means by which I can return the signed Waiver to you without cost to me.

I agree to save the cost of service of a Summons and an additional copy of the Complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Summons or in the service of the Summons.

I understand that a Judgment may be entered against me (or the party on whose behalf I am acting, if an Answer or Motion per Rule 12 is not served upon you within 60 days after October 3, 2003 or within 90 days after that date if the request was sent outside the United States.

DATED: \_\_\_\_\_

\_\_\_\_\_  
Signature  
Printed/typed name:

\_\_\_\_\_  
as \_\_\_\_\_  
of \_\_\_\_\_

**Duty to Avoid Unnecessary Costs of Service of Summons**

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Summons and Complaint. A Defendant located in the United States who, after being notified of an action and asked by a Plaintiff located in the United States to waive service of a Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the Waiver.

It is not good cause for a failure to waive service that a party believe that the Complaint is unfounded, or that the action has been brought in an improper place or in a Court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Summons retains all defenses and objections (except any relating to the Summons or to the service of the Summons), and may later object to the jurisdiction of the Court or to the place where the action has been brought.

A Defendant who waives service must, within the time specific on the Waiver form, serve on the Plaintiff's attorney (or unrepresented Plaintiff) a response to the Complaint and must also file a signed copy of the response with the Court. If the Answer or Motion is not served within this time, a Default Judgment may be taken against that Defendant. By waiving service, a Defendant is allowed more time to answer than if the Summons had been actually served when the request for Waiver of Service was received.

# United States District Court

WESTERN

DISTRICT OF PENNSYLVANIA

RADHIKA VEGESNA, Personal Representative of the ESTATE OF RAJESH PADMARAJU, Deceased,  
Plaintiff

V.

SAMINDER SINGH and SAMINDER SINGH, d/b/a ISD TRANSPORTATION COMPANY, Defendant

## SUMMONS IN A CIVIL ACTION

CASE NUMBER: 03-317

TO: (Name and Address of Defendant)

SAMINDER SINGH  
3105 Slaterfield Avenue  
Bakersfield, CA 93313

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this Court and serve upon

PLAINTIFF'S ATTORNEY (name and address)

ANDREW J. CONNER, ESQUIRE  
17 West Tenth Street  
P.O. Box 860  
Erie, PA 16512-0860

an answer to the complaint which is herewith served upon you, within twenty (20) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

*R.V. Baugh, Jr.*

10/3/03.

DATE

CLERK

*Nicole Kierul*

BY DEPUTY CLERK

Form 1A.

Notice of Lawsuit and Request for Waiver of  
Service of SummonsTO: SAMINDER SINGH, d/b/a  
ISD TRANSPORTATION COMPANY

(as \_\_\_\_\_ of \_\_\_\_\_)

A lawsuit has been commenced against you (or the entity on whose behalf you are addressed). A copy of the Complaint is attached to this Notice. It has been filed in the United States District Court for the Western District of Pennsylvania and has been assigned Docket Number C3-317E.

This is not a formal Summons or notification from the Court but, rather, my request that you sign and return the enclosed waiver of service in order to save the cost of serving you with a judicial Summons and an additional copy of the Complaint. The cost of service will be avoided if I receive a signed copy of the Waiver with twenty (20) days after the date designated below as of the date on which this Notice and Request is sent. I enclose a stamped and addressed envelope (or other means of cost-free return) for your use. An extra copy of the Waiver is also attached for your records.

IF you comply with this request and return the signed Waiver, it will be filed with the Court and no Summons will be served on you. The action will then proceed as if you had been served on the date the Waiver is filed, except that you will not be obligated to answer the Complaint before 60 days from the date designated below as the date on which this Notice is sent (or before 90 days from that date if your address is not in any judicial district of the United States).

If you do not return the signed Waiver within the time indicated, I will take appropriate steps to effect formal service in a manner authorized by the Federal Rules of Civil Procedure and will then, to the extent authorized by those Rules, as the Court to require you (or the party on whose behalf you are addressed) to pay the full costs of such service. In that connection, please read the statement concerning the duty of parties to waive the service of the Summons, which is set forth at the foot of the waiver form.

I affirm that this request is being sent to you on behalf of the Plaintiff, this 3<sup>rd</sup> day of October, 2003.

Andrew J. Conner  
ANDREW J. CONNER, ESQUIRE  
ATTORNEY FOR PLAINTIFF

Case 1:03-cv-00295-SJM Document 313 Filed 07/18/2005 Page 27 of 45  
Form 1B. Waiver Service of Summons

TO: ANDREW J. CONNER, ESQUIRE

I acknowledge receipt of your request that I waive service of a Summons in the action of RADHIKA VEGESNA, Personal Representative of the ESTATE OF RAJESH PADMARAJU, Deceased v. SAMINDER SINGH, ET AL, which is Case Number 03-3176 in the United States District Court for the Western District of Pennsylvania. I have also received a copy of the Complaint in the action, two copies of this instrument, and a means by which I can return the signed Waiver to you without cost to me.

I agree to save the cost of service of a Summons and an additional copy of the Complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Summons or in the service of the Summons.

I understand that a Judgment may be entered against me (or the party on whose behalf I am acting, if an Answer or Motion per Rule 12 is not served upon you within 60 days after October 3, 2003 or within 90 days after that date if the request was sent outside the United States.

DATED: \_\_\_\_\_

Signature  
Printed/typed name:as \_\_\_\_\_  
of \_\_\_\_\_

## Duty to Avoid Unnecessary Costs of Service of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Summons and Complaint. A Defendant located in the United States who, after being notified of an action and asked by a Plaintiff located in the United States to waive service of a Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the Waiver.

It is not good cause for a failure to waive service that a party believe that the Complaint is unfounded, or that the action has been brought in an improper place or in a Court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Summons retains all defenses and objections (except any relating to the Summons or to the service of the Summons), and may later object to the jurisdiction of the Court or to the place where the action has been brought.

A Defendant who waives service must, within the time specific on the Waiver form, serve on the Plaintiff's attorney (or unrepresented Plaintiff) a response to the Complaint and must also file a signed copy of the response with the Court. If the Answer or Motion is not served within this time, a Default Judgment may be taken against that Defendant. By waiving service, a Defendant is allowed more time to answer than if the Summons had been actually served when the request for Waiver of Service was received.

RADHIKA VEGESNA, Personal Representative of the ESTATE OF RAJESH PADMARAJU, Deceased Plaintiff	:	IN THE COURT OF COMMON PLEAS OF ERIE COUNTY, PENNSYLVANIA
VS.	:	
ISD TRANSPORTATION COMPANY, INC., SAMINDER SINGH, SAMINDER SINGH, d/b/a ISD TRANSPORTATION COMPANY, MANDEEP SINGH, and GURMINDER SINGH, Defendants	:	NO. 14056 - 2003

COMPLAINT - CIVIL ACTION

AND NOW comes the Plaintiff, RADHIKA VEGESNA, Personal Representative of the ESTATE OF RAJESH PADMARAJU, Deceased, by her counsel, ANDREW J. CONNER of CONNER RILEY & FRYLING, 17 West Tenth Street, P.O. Box 860, Erie, Pennsylvania 16512-0860, and files this Complaint against the above-named Defendants, alleging as follows:

1) Radhika Vigesna is the duly appointed personal representative of the Estate of Rajesh Padmaraju, Deceased, having received her appointment from the County of Oakland, State of Michigan Probate Court on October 10, 2002. Attached hereto as Exhibit "A" is a copy of the Letters of Authority for Personal Representative evidencing Radhika Vigesna's appointment as the Personal Representative of the Estate of Rajesh Padmaraju.

2) Radhika Vigesna, as a consequence of her appointment as the personal representative of the Estate of Rajesh Padmaraju, made reference to in the previous Paragraph of this Complaint, is

the proper party to act as the named party Plaintiff for the Wrongful Death and Survival Act claims set forth in this Complaint.

3) Radhika Vigesna is a resident and citizen of the Country of India, having a principal place of residence at all material times to the events giving rise to this action at 501 Green Park, Apt. 7-1-300, Sanjeena R.N. Hydabad, India 500038.

4) The decedent, Rajesh Padmaraju, as of the time of his death, was a resident of the Michigan, having just moved from a residence at 54 Harley Drive, Apt. #8, Worcester, Massachusetts 01606.

5) Defendant, Saminder Singh, is a resident and citizen of the State of Oklahoma, having a principal place of residence at all material times to the events giving rise to this action at 3033 North Walnut Avenue, Suite W219, Oklahoma City, Oklahoma 73105.

6) It is alleged that at all material times to the events alleged in this Complaint, the Defendant, Saminder Singh, was doing business and conducting an interstate truck and transportation business under the name of ISD Transportation Company.

7) Defendant, Mandeep Singh, is a resident and citizen of the State of California, having a place of residence at all material times to the events giving rise to this action at 1639 Hooper Road, Yuba City, California 95991.

8) Defendant, Gurinder Singh, is a resident and citizen of the State of California, having a place of residence at all material times to the events giving rise to this action at 3105 Slaterfield Avenue, Bakersfield, CA 93313.

9) At all material times to the events set forth in this Complaint, each of the Defendants was regularly conducting business in the Commonwealth of Pennsylvania without first registering with the Secretary of State of the Commonwealth of Pennsylvania as a foreign corporation.

COUNT ONE

(VEGESNA V. SAMINDER SINGH, d/b/a  
ISD TRANSPORTATION COMPANY)

10) The allegations contained in the previous Paragraphs of this Complaint are incorporated into this Count by virtue of this Paragraph as if set forth in full.

11) The Defendant in this Count is Saminder Singh, d/b/a ISD Transportation Company, previously identified, hereinafter referred to as "ISD".

12) This Count is brought as a wrongful death action pursuant to the Pennsylvania Wrongful Death Act, 42 Pa.C.S.A. 8301, or pursuant to the Wrongful Death Act of such other state or commonwealth, including the Commonwealth of Massachusetts, which the Court finds has the most significant contacts applicable to recovery for damages for the wrongful death of the deceased.

13) The beneficiaries and/or the next of kin who are entitled to recover Wrongful Death Act damages generally include the following:

- (a) Janshi Jampana, Mother
- (b) Radhika Vigesna, Sister
- (c) Rajyalalakshmi Bhupatiraju, Sister

14) On October 5, 2001, after hours of darkness, the Plaintiff's decedent suffered fatal injuries on or near the westbound lanes of Interstate 90 in Erie County, Pennsylvania, near exit 8. Just prior to receiving these fatal injuries, he had just exited his stationary lighted westbound vehicle at, on or near the shoulder of the northern most westbound lane of Interstate 90 after his vehicle had incurred a mechanical and/or engine failure, preventing its further operation.

15) At the time and place, set forth above, independent contractors, agents and employees of the Defendant, Saminder Singh, acting within the scope of authority given to them by Saminder Singh, operating a tractor-trailer in a line of traffic without keeping a safe distance behind the traffic traveling immediately in front of him in the same westbound lanes of travel on Interstate 90, negligently, carelessly, recklessly and acting with gross negligence, operated that tractor-trailer into the back of a lighted stationary or slow moving vehicle in the northern most westbound driving lane of Interstate 90 behind, or east, of Plaintiff's decedent's vehicle. This collision caused this other stationary or slow moving vehicle to strike the

deceased's vehicle and the deceased, who was then a pedestrian, causing him to suffer the fatal injuries giving rise to this action.

16) The Defendant, Saminder Singh and Saminder Singh, d/b/a ISD Transportation Company, his independent contractors, agents and employees were specifically negligent, careless, reckless and acted with gross negligence in causing the collisions and the deceased's fatality, described in the previous Paragraph of this Compliant, in the following respects:

- (a) They were violating the Pennsylvania Assured Clear Distance Ahead Rule, 75 Pa.C.S.A. 3361;
- (b) They were traveling too fast for the conditions then and there existing in the westbound lanes of Interstate 90;
- (c) They were tailgating, or failing to keep a safe distance behind westbound traffic on Interstate 90 traveling in the westbound lanes, in violation of 75 Pa.C.S.A. 3310;
- (d) They failed to keep a proper lookout ahead for slow moving and/or stationary traffic;
- (e) They were traveling too fast for the conditions then and there prevailing on Interstate 90;
- (f) They failed to timely observe the lighted slow moving traffic in the westbound driving lane of Interstate 90;
- (g) They failed to timely observe the stationary vehicle of the deceased at or near the berm of the westbound lanes of Interstate 90;

(h) They failed to return to the left and into the passing westbound lane of Interstate 90, so as to avoid slow moving traffic in the westbound driving lane of travel; and

(i) They were operating their vehicle in violation of the ICC and other federal standards regulating the hours of continuous operation of a tractor-trailer in interstate commerce.

17) Plaintiff makes claim in this Count for all damages recoverable under the Pennsylvania Wrongful Death Act, and/or any other Wrongful Death Act, including that of the Commonwealth of Massachusetts, for all damages recoverable under the controlling law including, but not limited to, the following:

- (a) Funeral, burial and related expenses;
- (b) The loss of financial support which the beneficiaries would have received from the deceased over his and their life expectancies;
- (c) Such other damages recoverable under the controlling law.

WHEREFORE, Plaintiff makes claim for damages against the Defendant, SAMINDER SINGH and SAMINDER SINGH, d/b/a ISD TRANSPORTATION COMPANY, INC., in an amount in excess of \$75,000.00, with interest and costs to be awarded in her favor.

COUNT TWO

(VEGENSA V. SAMINDER SINGH and  
SAMINDER SINGH, d/b/a ISD TRANSPORTATION COMPANY)

18) The allegations contained in the previous Paragraphs of this Complaint are incorporated into this Count by virtue of this Paragraph as if set forth in full.

19) The Defendant in this Count is Saminder Singh and Saminder Singh, d/b/a ISD Transportation Company, previously identified.

20) This Count is brought as a survival action pursuant to the Pennsylvania law, 42 Pa.C.S.A. 8302, and/or pursuant to either the survival action or wrongful death action of such other state or commonwealth, including the Commonwealth of Massachusetts, which the Court finds has the most significant contacts to this action.

21) The negligence, carelessness, recklessness and acts of gross negligence of Saminder Singh and Saminder Singh, d/b/a ISD Transportation Company, through the acts of its agents and employees, previously described in Paragraphs 15 and 16 of this Complaint, was the cause of the death of the deceased on October 5, 2001.

22) Claim is made in this Count for all damages recoverable under the Pennsylvania survival action, and/or such other survival or wrongful death actions the Court applies and believes has the most significant contacts, and includes, but is not limited to, a claim for damages for:

- (a) The conscious pain, suffering and inconvenience the deceased incurred from the time of his fatal injuries until the time of his death;
- (b) The hospital and medical expenses his estate incurred for the deceased's care and treatment from the time of his fatal injuries until the time of his death;
- (c) The loss of the deceased's future net earning power over his life expectancy;
- (d) Such other damages which are recoverable under the controlling law.

WHEREFORE, Plaintiff makes claim for damages against the Defendant, SAMINDER SINGH and SAMINDER SINGH, d/b/a ISD TRANSPORTATION COMPANY, INC., in an amount in excess of \$75,000.00, with interest and costs to be awarded in her favor.

COUNT THREE

(VEGESNA V. SAMINDER SINGH)

- 24) The allegations contained in the previous Paragraphs of this Complaint are incorporated into this Count by virtue of this Paragraph as if set forth in full.
- 25) The Defendant in this Count is Saminder Singh, previously identified.
- 26) This Count is brought as an "alternative pleading" to Count One of this Complaint, per Pa.R.C.P. 1020.

27) On information and belief and in reliance upon information contained in the report of the Erie County, Pennsylvania Coroner's Office's official investigation of this fatality, it is alleged that the Defendant, Saminder Singh, was also the driver of the tractor-trailer owned by himself, d/b/a ISD Transportation Company.

28) At the time and place, set forth above, Saminder Singh negligently, carelessly, recklessly and acting with gross negligence operated his tractor-trailer into the back of a lighted stationary or slow moving vehicle in the northern most westbound lanes of Interstate 90, or east of decedent's vehicle, all of which collision caused this other stationary or slow moving vehicle to strike the deceased, causing the fatal injuries to the deceased, giving rise to this action.

29) The Defendant, Saminder Singh, was specifically negligent, careless, reckless and acted with gross negligence in causing the collisions and the deceased's fatality, described in the previous Paragraph of this Compliant, in the following respects:

(a) Violating the Pennsylvania Assured Clear Distance Ahead Rule, 75 Pa.C.S.A. 3361;

(b) Traveling too fast for the conditions then and there existing in the westbound lanes of Interstate 90;

(c) Tailgating and failing to keep a safe distance behind westbound traffic on Interstate 90 traveling in the westbound driving lane, in violation of 75 Pa.C.S.A. 3310;

(d) Failing to keep a proper lookout ahead for slow moving and/or stationary traffic;

(e) Traveling too fast for the conditions then and there prevailing on Interstate 90;

(f) Failing to timely observe the lighted slow moving traffic in the westbound driving lane of Interstate 90;

(g) Failing to timely observe the stationary vehicle of the deceased at or near the berm of the westbound lanes of Interstate 90;

(h) Failing to return to the left and into the westbound passing lane of Interstate 90, so as to avoid slow moving traffic in the westbound driving lane of travel; and

(i) Operating this tractor-trailer in violation of the ICC and other federal standards regulating the hours of continuous operation of a tractor-trailer in interstate commerce.

30) Plaintiff makes claim in this Count for all damages recoverable under the Pennsylvania Wrongful Death Act, and/or any other Wrongful Death Act, including that of the Commonwealth of Massachusetts, for all damages recoverable under the controlling law including, but not limited to, the following:

(a) Funeral, burial and related expenses;

(b) The loss of financial support which the beneficiaries would have received from the deceased over his and their life expectancies;

(c) Such other damages recoverable under the controlling law.

WHEREFORE, Plaintiff makes claim for damages against the Defendant, SAMINDER SINGH, in an amount in excess of \$75,000.00, with interest and costs to be awarded in her favor.

COUNT FOUR

(VEGESNA V. SAMINDER SINGH)

31) The allegations contained in the previous Paragraphs of this Complaint are incorporated into this Count by virtue of this Paragraph as if set forth in full.

32) The Defendant in this Count is Saminder Singh, previously identified.

33) This Count is brought as a survival action, pursuant to the Pennsylvania law, 42 Pa.C.S.A. 8302, and/or pursuant to either the survival action or wrongful death action of such other state or commonwealth, including the Commonwealth of Massachusetts, which the Court finds has the most significant contacts to this action.

34) The Defendant, Saminder Singh, was negligent, careless, reckless and acted with gross negligence, as more fully described in Paragraphs 15 and 16 of this Complaint, in causing the death of the deceased on October 5, 2001.

35) Claims is made in this Count for all damages recoverable under the Pennsylvania survival action, and/or such other wrongful death or survival actions the Court applies and believes has the most significant contacts, and includes, but is not limited to, a claim for damages for:

- (a) The conscious pain, suffering and inconvenience the deceased incurred from the time of his fatal injuries until the time of his death;
- (b) The hospital and medical expenses his estate incurred for the deceased's care and treatment from the time of his fatal injuries until the time of his death;
- (c) The loss of the deceased's future net earning power over his life expectancy;
- (d) Such other damages which are recoverable under the controlling law.

WHEREFORE, Plaintiff makes claim for damages against the Defendant, SAMINDER SINGH, in an amount in excess of \$75,000.00, with interest and costs to be awarded in her favor.

COUNT FIVE

(VEGESNA V. MANDEEP SINGH)

36) The allegations contained in the previous Paragraphs of this Complaint are incorporated into this Count by virtue of this Paragraph as if set forth in full.

37) The Defendant in this Count is Mandeep Singh, previously identified.

38) This Count is brought as a wrongful death action pursuant to the Pennsylvania Wrongful Death Act, 42 Pa.C.S.A. 8301, or pursuant to the Wrongful Death Act of such other state or commonwealth, including the Commonwealth of Massachusetts,

which the Court finds has the most significant contacts applicable to the recovery for damages for the wrongful death of the deceased.

39) On information and belief and in reliance upon information provided by the representatives of the Defendant, Saminder Singh and Saminder Singh, d/b/a ISD Transportation Company, it is alleged that the Defendant, Mandeep Singh, was the driver and operator of the tractor-trailer owned by the Defendant, Saminder Singh and Saminder Singh, d/b/a ISD Transportation Company, made reference to in the previous Paragraphs of this Complaint.

40) At the time and place, set forth above, Mandeep Singh negligently, carelessly and recklessly, as more fully described in Paragraph 15 of this Complaint, operated a tractor-trailer into the back of a lighted stationary or slow moving vehicle in the northern most westbound lanes of Interstate 90, or east of decedent's vehicle, all of which collision caused this other stationary or slow moving vehicle to strike the deceased, causing the fatal injuries to the deceased, giving rise to this action.

41) The Defendant, Mandeep Singh, was specifically negligent, careless, reckless and acted with gross negligence in causing the collisions and the deceased's fatality, described in the previous Paragraph of this Compliant, in the following respects:

(a) Violating the Pennsylvania Assured Clear Distance Ahead Rule, 75 Pa.C.S.A. 3361;

(b) Traveling too fast for the conditions then and there existing in the westbound lanes of Interstate 90;

(c) Tailgating and failing to keep a safe distance behind westbound traffic on Interstate 90 traveling in the westbound driving lane, in violation of 75 Pa.C.S.A. 3310;

(d) Failing to keep a proper lookout ahead for slow moving and/or stationary traffic;

(e) Traveling too fast for the conditions then and there prevailing on Interstate 90;

(f) Failing to timely observe the lighted slow moving traffic in the westbound driving lane of Interstate 90;

(g) Failing to timely observe the stationary vehicle of the deceased at or near the berm of the westbound lanes of Interstate 90;

(h) Failing to return to the left and into the westbound passing lane of Interstate 90, so as to avoid slow moving traffic in the westbound driving lane of travel; and

(i) Operating this tractor-trailer in violation of the ICC and other federal standards regulating the hours of continuous operation of a tractor-trailer in interstate commerce.

42) Plaintiff makes claim in this Count for all damages recoverable under the Pennsylvania Wrongful Death Act, and/or any other Wrongful Death Act, including that of the Commonwealth of Massachusetts, for all damages recoverable under the controlling law including, but not limited to, the following:

(a) Funeral, burial and related expenses;

- (b) The loss of financial support which the beneficiaries would have received from the deceased over his and their life expectancies;
- (c) Such other damages recoverable under the controlling law.

WHEREFORE, Plaintiff makes claim for damages against the Defendant, MANDEEP SINGH, in an amount in excess of \$75,000.00, with interest and costs to be awarded in her favor.

COUNT SIX

(VEGESNA V. MANDEEP SINGH)

43) The allegations contained in the previous Paragraphs of this Complaint are incorporated into this Count by virtue of this Paragraph as if set forth in full.

44) The Defendant in this Count is Mandeep Singh, previously identified.

45) This Count is brought as a survival action, pursuant to the Pennsylvania law, 42 Pa.C.S.A. 8302, and/or pursuant to either the survival action or wrongful death action of such other state or commonwealth, including the Commonwealth of Massachusetts, which the Court finds has the most significant contacts to this action.

46) The Defendant, Mandeep Singh, was negligent, careless, reckless and acted with gross negligence, and as more fully described in Paragraph 15 of this Complaint, in causing the death of the deceased on October 5, 2001.

47) Claims is made in this Count for all damages recoverable under the Pennsylvania survival action, and/or such other wrongful death or survival actions the Court applies and believes has the most significant contacts, and includes, but is not limited to, a claim for damages for:

- (a) The conscious pain, suffering and inconvenience the deceased incurred from the time of his fatal injuries until the time of his death;
- (b) The hospital and medical expenses his estate incurred for the deceased's care and treatment from the time of his fatal injuries until the time of his death;
- (c) The loss of the deceased's future net earning power over his life expectancy;
- (d) Such other damages which are recoverable under the controlling law.

WHEREFORE, Plaintiff makes claim for damages against the Defendant, MANDEEP SINGH, in an amount in excess of \$75,000.00, with interest and costs to be awarded in her favor.

JURY TRIAL DEMANDED.

Respectfully submitted,

CONNER RILEY & FRYLING

BY Andrew J. Conner  
ANDREW J. CONNER, ESQUIRE  
ATTORNEY FOR PLAINTIFF  
17 West Tenth Street  
P.O. Box 860  
Erie, PA 16512-0860  
(814) 453-3343

DATED: January 15, 2004.

Case 1:03-cv-00295-SJM Document 31-3 Filed 07/18/2005 Page 44 of 45

Plaintiff

VS.

ISD TRANSPORTATION COMPANY,  
INC., SAMINDER SINGH,  
SAMINDER SINGH, d/b/a ISD  
TRANSPORTATION COMPANY,  
MANDEEP SINGH, and  
GURMINDER SINGH, Defendants

NO. 14056 - 2003

VERIFICATION

RADHIKA VEGESNA states that she is the Plaintiff in the above matter and that she has reviewed the foregoing Complaint and the facts set forth therein are true as based upon her personal knowledge or information and belief.

This statement is made and signed subject to the penalties of 18 Pa.C.S.A. 4904 relating to unsworn falsification to authorities.

V. Radhika  
RADHIKA VEGESNA

DATED: January 12<sup>th</sup>, 2004.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that true and correct copies of the foregoing Complaint were served this 15<sup>th</sup> day of January, 2004 upon the Defendants and counsel as follows:

ISD TRANSPORTATION COMPANY, INC.  
SAMINDER SINGH  
SAMINDER SINGH, d/b/a  
ISD TRANSPORTATION COMPANY  
c/o MARK F. MCKENNA, ESQUIRE  
436 Boulevard of the Allies  
Suite 500  
Pittsburgh, PA 15219-1314

MANDEEP SINGH  
285 Burns Court  
Shafter, CA 93263  
  
GURMINDER SINGH  
3105 Slaterfield Ave.  
Bakersfield, CA 93313

Respectfully submitted,  
CONNER RILEY & FRYLING

BY Andrew J. Conner  
ANDREW J. CONNER, ESQUIRE  
ATTORNEY FOR PLAINTIFF  
CONNER RILEY & FRYLING  
17 West Tenth Street  
P.O. Box 860  
Erie, PA 16512-0860  
(814) 453-3343

DATED: January 15, 2004